

February 29, 1956

George F. Nelson

Attorney General

Roy Y. Lang, Director  
Division of Personnel  
State House  
Concord, N. H.

SEP 27 1956  
CONCORD, N.H.

Dear Roy:

The answer to your inquiry of February 17, 1956, as to whether or not probation officers of the Probation Department are eligible for law enforcement "overtime" pay under the provisions of RSA 99:2c, taking into account RSA 504:15, VII, is as follows:

Probation officers are law enforcement officers but are not included in the category of law enforcement employees under RSA 99:2c unless such probation officer regularly works forty-eight hours or more per week for each of the fifty-two weeks in the year. Unless and until the Personnel Division so establishes that probation officers are so regularly employed, they are not entitled to receive the additional compensation provided by that section.

In summary, if probation officers regularly work forty-eight hours or more per week in each of the fifty-two weeks in the year they are entitled to the compensation of RSA 99:2c, otherwise the Personnel Division cannot legally authorize the inclusion of such employees under said section.

Very truly yours,

George F. Nelson  
Assistant Attorney General

GFM:W